



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,334	02/07/2001	Scott W. Huffer	9325-36	1473

23973 7590 09/14/2004
DRINKER BIDDLE & REATH
ONE LOGAN SQUARE
18TH AND CHERRY STREETS
PHILADELPHIA, PA 19103-6996

EXAMINER

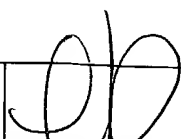
NOLAN, SANDRA M

ART UNIT	PAPER NUMBER
----------	--------------

1772

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/778,334	HUFFER ET AL.	
	Examiner	Art Unit	
Sandra M. Nolan	1772		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19 and 27 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4-14-04 + 7-02-04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>REVISED AMENDMENT PRACTICE</u> |

DETAILED ACTION

Claims

1. Claims 1-19 and 27 are pending. Claims 20-26 have been canceled.

Ex parte Quayle Action

2. This application is in condition for allowance except for the following formal matters:
3. The captioning of the claims is incorrect. Please review the enclosed sheet concerning Revised Amendment Practice and correct the captions.
4. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
5. A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

REASONS FOR ALLOWANCE

6. The following is an examiner's statement of reasons for allowance:
7. The base claims of the application are claims 1, 10 and 27. They can be summarized as follows:

Claim 1 covers a packaging material comprising:

- a substrate comprising one or more sheets of plastic material, which substrate has inner and outer surfaces,
- a cold-seal cohesive coating on at least part of the inner surface,

-an energy-cured release layer on the outer surface, which release layer contains a slip agent and provides a surface for temporary adhesion of the cohesive without blocking upon removal of the cohesive from the release layer.

Claim 10 covers a package comprising:

-at least one sheet of flexible packaging material comprising:

-a substrate comprising one or more sheets of plastic material, which substrate has inner and outer surfaces,

-a cold-seal cohesive coating on at least part of the inner surface,

-an energy-cured coating on the outer surface, which coating serving as a release layer for the cohesive so that the cohesive remains attaches to the inner surface and does not offset on the energy-cured coating when the material is unrolled after storage in a roll,

wherein the package has at least one seam formed by the cold-seal cohesive portions on one or more parts of the inner surface cohering to each other.

Claim 27 covers a packaging material comprising:

-a substrate formed from a flexible plastic material, the substrate having an inner and an outer surface,

-a cold seal cohesive applied to one or more portions of the substrate surfaces, which cohesive is adapted to seal the portions together when forming the package,

-an electron beam energy cured coating on the outer surface of the substrate, the coating serving as a release layer for the cohesive upon contact between the coating and the cohesive such that the cohesive temporarily adheres to the coating and

Art Unit: 1772

releases upon removal without adversely affecting the adhesive properties of the cohesive,

-ink printed in a pattern on the outer surface of the substrate and covered by the coating, the coating providing a glossy surface for the ink and the package, and

-a slip agent within the coating.

8. The prior art of record fails to teach or suggest packaging materials and packages having all of the features of claims 1, 10 or 27.

9. Applicants' arguments on pages 5-7 of their 02 July 2004 response concerning the patentability of the claims are deemed convincing.

10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Citation as of Interest

11. Wilkie (US 5,792,549) is cited as of interest for teaching films having cold seal cohesive layers and release layers. The release layers are not energy cured. The examiner does not deem its corona treatment, flame treatment or heat aging processes to be curing operations.

Conclusion

Any inquiry concerning this communication should be addressed to Sandra M. Nolan, at telephone number 571/272-1495. She can normally be reached Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

Art Unit: 1772

If attempts to reach the examiner are unsuccessful, her supervisor, Harold Pyon, can be reached at 571/272-1498.

The fax number for patent application documents is 703/872-9306.



S. M. Nolan
Primary Examiner
Technology Center 1700

09778334(20040907)

Revised Amendment Practice Amendments to Claims

✧ The seven (7) permissible **status identifiers**:

1. **(Original)**: Claim filed with original specification
 - Not added by preliminary amendment and
 - Not previously amended.
2. **(Currently amended)**: Claim being amended and which is not withdrawn in the current amendment
 - Must include markings (striketrough, double brackets, or underlining) to indicate changes.
3. **(Canceled)**: Claim canceled or deleted in current amendment or previously.
 - Do not present the text of a canceled claim.
 - Consecutive canceled claims may be grouped together (e.g., claims 1-5 (canceled)).

August 5, 2004

29

Revised Amendment Practice Amendments to Claims

✧ The seven (7) permissible **status identifiers** (cont.):

4. **(Withdrawn)**: Non-elected claim.
 - The text of a withdrawn claim must be presented.
 - Currently amended withdrawn claims must be presented with markings (striketrough, double brackets, or underlining) to indicate changes.
5. **(Previously presented)**: Claim that was previously added or amended in an earlier amendment paper.
6. **(New)**: Claim being added in the current amendment paper.
 - The text of the claim must be presented in clean form without underlining.
7. **(Not entered)**: Claim presented in a previous unentered amendment.
 - Do not present the text of a not entered claim.
 - Consecutive not entered claims may be grouped together (e.g., Claims 20-25 (not entered)).

August 5, 2004

30